THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE M.E.N.PATRUDU

Dated: 30th January 2006.

WRIT PETITION NO :6419 of 2005

Between :

Awadhesh Kumar Singh .. Petitioner

And

Employees Provident Fund Organisation,

rep. By its Central Provident Fund Commissioner,

Bhavishya Nidhi Bhawan,

14, Hudco Vishala, Madam Bhikaji Kamaji Place,

New Delhi – 110 066 and another .. Respondents

ORDER (per JC,J)

This writ petition is filed by the unsuccessful petitioner aggrieved by an order dated 4.3.2005 in O.A.No. 155 of 2005 on the file of the Central Administrative Tribunal. The petitioner was working as an Assistant Provident Fund Commissioner in Employees' Provident Fund Organisation, Hyderabad. While so, he was served with a charge memorandum dated 19.7.2004 containing 12 articles of charges. Challenging the issuance of the said charge-memo, the petitioner approached the Central Administrative Tribunal praying that the charge-memo be quashed. The Tribunal by the order under challenge before us dismissed the petition and hence the present writ petition.

Learned counsel for the petitioner argued that the charges as framed even if

all the factual allegations contained in the charges are accepted, cannot be sustained in law as it is not part of the duty of the petitioner to enquire into a fact where a particular workman is required to be covered under the Provident Fund Scheme and such an exercise can only be undertaken by the Regional Provident Fund Commissioner. As a matter of fact, whether the proposition of law advanced by the petitioner is right or wrong, we are not inclined to examine at this stage. It is a settled principle of law that the courts would be slow in interfering in a departmental proceeding of disciplinary action at the stage of the charge sheet. We do not see any reason to interfere with the order under challenge. The writ petition is therefore dismissed. The interim order granted earlier obviously stands vacated. It is open for the petitioner to take such defences as are available in law before the Enquiry Officer.

J.CHELAMESWAR,J

M.E.N.PATRUDI,J

Knk

Dt : 30.1.2006